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REMARKS

Claims 1 – 12 are pending and have been rejected. Claims 1, 3, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0074598A1 to Doyle et al. ("Doyle"). Applicants respectfully traverse on the following grounds.

Claim 1, and by dependence claims 3 and 6, recite "an impurity region within the channel region and spaced from the top surface, the impurity region having a first outer boundary that is proximate, but laterally spaced apart from the source region and a second outer boundary proximate, but laterally spaced apart from the drain region." Examiner has identified Figure 17 of Doyle and has asserted that void 142 satisfies this claim limitation. Applicants respectfully traverse because void 142 is not an "impurity region," as required by the claim. In fact, void 142 is the antithesis of an impurity region – it is the absence of impurities. Figure 17 is the only figure of Doyle that shows an element that is laterally spaced from the source and drain regions (the other figures, such as Figures 7, 10, 16, and 18, show elements that are substantially aligned with the source and drain regions). Unlike the other figures, however, Figure 17 does not show impurities implanted in the substrate, but rather only shows a "void" in the substrate. See, e.g., paragraph 47 of Doyle. For this reason, Applicants respectfully submit that Doyle fails to teach or show an "impurity region" that is laterally spaced from the source and drain regions and, hence claim 1 is patentable over the reference. Applicants respectfully note that Figure 17 of Doyle was first asserted against claim 1 in an Office Action mailed November 16, 2004. The above arguments were presented in a response

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dated January 14, 2005 and Examiner withdrew the rejection based upon Figure 17 of Doyle because Applicants' response was at that time considered persuasive (see Office Action mailed February 16, 2005. Applicants are unaware of any change in the relevant claim terms that would make this position any less persuasive today and earnestly request reconsideration and withdrawal of the rejection of claims 1, 3, 6, and 7 over Doyle.

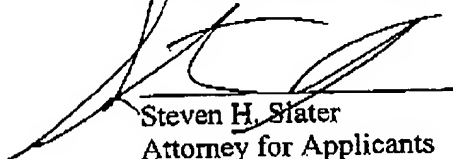
Each of claims 2, 4, 5, 8, and 9 – 12 were rejected as being obvious over Doyle as applied to claim 1 in combination with other references. Applicants traverse on the grounds that each of claims 2, 4, 5, 8, and 9 – 12 recite, by virtue of their respective dependence from claim 1, "an impurity region within the channel region" As addressed above, the void 142 of Doyle is not an impurity and fails to teach or suggest the recited claim element – a position with which Examiner has previously agreed.

For at least the reasons provided above, claims 1 – 12 are patentable over the cited references. Applicants respectfully request that Examiner re-consider the rejection of the claims in light of the above Remarks. A prompt indication of the allowance of claims 1 – 12 and passage of the present application to issuance is respectfully requested.

No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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